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EXHIBIT 1

HUTCHISON & STEFFEN
A PROFESSIONAL LLC

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Attorneys for Defendants
Stephen Fairfax and MTechnology

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

SWITCH, LTD.,
a Nevada limited liability company,

Plaintiff,

vs

STEPHEN FAIRFAX; MTECHNOLOGY;
DOES 1 through 10; and ROE ENTITIES 11
through 20, inclusive,

Defendants.

Case No.: 2:17-cv-02651-GMN-VCF

**DEFENDANT STEPHEN FAIRFAX'S
RESPONSES AND OBJECTIONS TO
PLAINTIFF'S FIRST SET OF REQUESTS
FOR PRODUCTION OF DOCUMENTS**

19 Defendant Stephen Fairfax ("Fairfax") hereby submits his Responses and
20 Objections to Plaintiff's First Set of Requests for Production of Documents pursuant
21 to Federal Rules of Civil Procedure Rules 26 and 34.

22 These responses are made solely for the purpose of, and in relation to, this
23 action. Each response is given subject to all appropriate objections (including
24 but not limited to objections concerning competency, relevancy, materiality,
25 propriety, and admissibility), which would require the exclusion of any statement
26 contained herein if the request were asked of, or any statement contained herein

1 was made by, a witness present and testifying in court. All such objections and
2 grounds therefore are reserved and may be interposed at the time of trial.

3 Except for facts explicitly admitted herein, no admission of any nature
4 whatsoever is to be implied or inferred. The fact that any request herein has been
5 responded upon should not be taken as an admission, or a concession, of the
6 existence of any facts set forth or assumed by such request, or that such response
7 constitutes evidence of any fact thus set forth or assumed. All responses must be
8 construed as given on the basis of present recollection.

9 **GENERAL OBJECTIONS**

10 1. Fairfax objects to the subject requests to the extent that they request
11 the disclosure of information protected by the attorney-client privilege, the work-
12 product doctrine, or any other recognized privilege or immunity.

13 2. Fairfax objects to the subject requests to the extent that they are not
14 reasonably calculated to lead to the discovery of admissible evidence. The
15 providing of documents in response to any request is not to be deemed or
16 construed as an admission by Fairfax that the information is in fact relevant to this
17 action.

18 3. Fairfax objects to the subject requests to the extent that they call for
19 the production of documents not in the possession, custody, or control of Fairfax.

20 4. To the extent words or phrases used in the requests are vague,
21 ambiguous, or otherwise overbroad, Fairfax shall respond in a manner in which
22 they believe, in good faith, to be requested thereby.

23 5. Fairfax states that discovery in this matter is continuing and ongoing
24 and that it is possible that additional information responsive to the requests will be
25 identified subsequent to the date of this response.

26 6. All responses made herein are based upon the best knowledge,
27 information and belief held by Fairfax at the time of the response.

1 7. Fairfax objects to the Definitions to the extent they conflict with the
2 definitions applicable in the Federal Rules of Civil Procedure and/or Local Civil
3 Rule 26.

4 8. Fairfax objects to the Instructions to the extent they impose any
5 obligation beyond that required by the Federal Rules of Civil Procedure or the
6 Local Rules of this Court.

7 9. Fairfax objects to the requests to the extent they encompass
8 documents subject to attorney-client privilege created subsequent to the
9 initiation of this litigation and will neither produce nor create a privilege log as to
10 same.

11 10. Fairfax incorporates these General Objections into each and every
12 specific response as if fully set forth therein.

13 Subject to and without waiving the foregoing General Objections, Fairfax
14 specifically responds to each numbered Request as follows:

15 **RESPONSES TO REQUESTS FOR PRODUCTION**

16 **REQUEST NO. 1:**

17 Please produce complete and accurate copies of any and all DATA
18 regarding Aligned from January 1, 2011, to the present.

19 **RESPONSE TO REQUEST NO. 1:**

20 Objection. This request is overbroad, unduly burdensome, and is not
21 proportional to the needs of the case. This request seeks essentially all information
22 in any form related to Aligned, regardless of whether such information relates to
23 any claim or defense in this matter, and regardless of whether Fairfax is in
24 possession of such information. Read literally, the request seeks all documents
25 about Aligned created in the past 8 years by anyone anywhere in the world,
26 including third-party social media posts on subjects completely unrelated to this
27 litigation. The request seeks an extremely large number of documents and

1 searching for, reviewing, and producing all responsive documents would take an
2 absurd number of man hours. This request seeks proprietary, confidential, and
3 trade secret information that will not be produced until an adequate protective
4 order is on file in this matter. This request seeks information Fairfax cannot disclose
5 due to contractual obligations with third parties. This request is an abuse of the
6 discovery process and shows an attempt by Switch to use this litigation to obtain
7 confidential information regarding direct competitors.

8 Notwithstanding these objections, Fairfax responds as follows: Fairfax is not
9 in possession, custody, or control of responsive documents.

10 **REQUEST NO. 2:**

11 Please produce complete and accurate copies of all agreements
12 between FAIRFAX and Aligned.

13 **RESPONSE TO REQUEST NO. 2:**

14 No responsive documents are in Fairfax's possession, custody, or control.

15 **REQUEST NO. 3:**

16 Please produce complete and accurate copies of all agreements
17 between Defendant MTECHNOLOGY and Aligned.

18 **RESPONSE TO REQUEST NO. 3:**

19 Objection. This request is overbroad, unduly burdensome, and is not
20 proportional to the needs of the case. This request is not limited to information
21 related to the parties' claims or defenses and is not limited to any relevant time
22 period. This request seeks proprietary, confidential, and trade secret information
23 that will not be produced until an adequate protective order is on file in this
24 matter. This request seeks information that cannot be disclosed due to
25 contractual obligations with third parties.

26 Notwithstanding these objections, Fairfax responds as follows: Fairfax is not
27 in possession, custody, or control of responsive documents.

1 REQUEST NO. 4:

2 Please produce complete and accurate copies of any and all DATA
3 related to Jones Lang LaSalle from January 1, 2011, to the present.

4 RESPONSE TO REQUEST NO. 4:

5 Objection. This request is overbroad, unduly burdensome, and is not
6 proportional to the needs of the case. This request seeks essentially all information
7 in any form related to Jones Lang Lasalle, regardless of whether such information
8 relates to any claim or defense in this matter, and regardless of whether Fairfax is
9 in possession of such information. Read literally, the request seeks all documents
10 about Jones Long Lasalle created in the past 8 years by anyone anywhere in the
11 world, including third-party social media posts on subjects completely unrelated
12 to this litigation. The request seeks an extremely large number of documents and
13 searching for, reviewing, and producing all responsive documents would take an
14 absurd number of man hours.

15 Notwithstanding these objections, Fairfax responds as follows: Fairfax is not
16 in possession, custody, or control of responsive documents.

17 REQUEST NO. 5:

18 Please produce complete and accurate copies of any and all DATA
19 related to Aligned Energy from January 1, 2011, to the present.

20 RESPONSE TO REQUEST NO. 5:

21 Objection. This request is overbroad, unduly burdensome, and is not
22 proportional to the needs of the case. This request seeks essentially all information
23 in any form related to Aligned Energy, regardless of whether such information
24 relates to any claim or defense in this matter, and regardless of whether Fairfax is
25 in possession of such information. Read literally, the request seeks all documents
26 about Aligned Energy created in the past 8 years by anyone anywhere in the
27 world, including third-party social media posts on subjects completely unrelated

1 to this litigation. The request seeks an extremely large number of documents and
2 searching for, reviewing, and producing all responsive documents would take an
3 absurd number of man hours. This request seeks proprietary, confidential, and
4 trade secret information that will not be produced until an adequate protective
5 order is on file in this matter. This request seeks information Fairfax cannot disclose
6 due to contractual obligations with third parties. This request is an abuse of the
7 discovery process and shows an attempt by Switch to use this litigation to obtain
8 confidential information regarding direct competitors.

9 Notwithstanding these objections, Fairfax responds as follows: Fairfax is not
10 in possession, custody, or control of responsive documents.

11 **REQUEST NO. 6:**

12 Please produce complete and accurate copies of any and all DATA
13 related to Inertech from January 1, 2011 to the present.

14 **RESPONSE TO REQUEST NO. 6:**

15 Objection. This request is overbroad, unduly burdensome, and is not
16 proportional to the needs of the case. This request seeks essentially all information
17 in any form related to Inertech, regardless of whether such information relates to
18 any claim or defense in this matter, and regardless of whether Fairfax is in
19 possession of such information. Read literally, the request seeks all documents
20 about Inertech created in the past 8 years by anyone anywhere in the world,
21 including third-party social media posts on subjects completely unrelated to this
22 litigation. The request seeks an extremely large number of documents and
23 searching for, reviewing, and producing all responsive documents would take an
24 absurd number of man hours. This request seeks proprietary, confidential, and
25 trade secret information that will not be produced until an adequate protective
26 order is on file in this matter. This request seeks information Fairfax cannot disclose
27 due to contractual obligations with third parties. This request is an abuse of the

1 discovery process and shows an attempt by Switch to use this litigation to obtain
2 confidential information regarding direct competitors.

3 Notwithstanding these objections, Fairfax responds as follows: Fairfax is not
4 in possession, custody, or control of responsive documents.

5 **REQUEST NO. 7:**

6 Please produce complete and accurate copies of any and all DATA
7 related to Uber from January 1, 2011, to the present.

8 **RESPONSE TO REQUEST NO. 7:**

9 Objection. This request is overbroad, unduly burdensome, and is not
10 proportional to the needs of the case. This request seeks essentially all information
11 in any form related to Uber, regardless of whether such information relates to any
12 claim or defense in this matter, and regardless of whether Fairfax is in possession
13 of such information. Read literally, the request seeks all documents about Uber
14 created in the past 8 years by anyone anywhere in the world, including third-party
15 social media posts on subjects completely unrelated to this litigation. The request
16 seeks an extremely large number of documents and searching for, reviewing, and
17 producing all responsive documents would take an absurd number of man hours.
18 This request seeks proprietary, confidential, and trade secret information that will
19 not be produced until an adequate protective order is on file in this matter. This
20 request seeks personal ride share information of individuals unrelated to this
21 litigation that will not be produced. This request seeks information Fairfax cannot
22 disclose due to contractual obligations with third parties.

23 Notwithstanding these objections, Fairfax responds as follows: other than
24 personal ride share information, Fairfax is not in possession, custody, or control of
25 responsive documents.

1 REQUEST NO. 8:

2 Please produce complete and accurate copies of any and all DATA
3 related to eBay from January 1, 2011, to the present.

4 RESPONSE TO REQUEST NO. 8:

5 Objection. This request is overbroad, unduly burdensome, and is not
6 proportional to the needs of the case. This request seeks essentially all information
7 in any form related to eBay, regardless of whether such information relates to any
8 claim or defense in this matter, and regardless of whether Fairfax is in possession
9 of such information. Read literally, the request seeks all documents about eBay
10 created in the past 8 years by anyone anywhere in the world, including third-party
11 social media posts on subjects completely unrelated to this litigation. The request
12 seeks an extremely large number of documents and searching for, reviewing, and
13 producing all responsive documents would take an absurd number of man hours.
14 This request seeks proprietary, confidential, and trade secret information that will
15 not be produced until an adequate protective order is on file in this matter. This
16 request seeks personal purchasing information of individuals unrelated to this
17 litigation that will not be produced. This request seeks information Fairfax cannot
18 disclose due to contractual obligations with third parties.

19 Notwithstanding these objections, Fairfax responds as follows: other than
20 purchases on eBay marketplace, Fairfax is not in possession, custody, or control of
21 responsive documents.

22 REQUEST NO. 9:

23 Please produce complete and accurate copies of any and all DATA
24 related to PayPal from January 1, 2011, to the present.

25 RESPONSE TO REQUEST NO. 9:

26 Objection. This request is overbroad, unduly burdensome, and is not
27 proportional to the needs of the case. This request seeks essentially all information

1 in any form related to Paypal, regardless of whether such information relates to
2 any claim or defense in this matter, and regardless of whether Fairfax is in
3 possession of such information. Read literally, the request seeks all documents
4 about Paypal created in the past 8 years by anyone anywhere in the world,
5 including third-party social media posts on subjects completely unrelated to this
6 litigation. The request seeks an extremely large number of documents and
7 searching for, reviewing, and producing all responsive documents would take an
8 absurd number of man hours. This request seeks personal financial information of
9 individuals unrelated to this litigation that will not be produced.

10 Notwithstanding these objections, Fairfax responds as follows: other than
11 personal payments made via PayPal, Fairfax is not in possession, custody, or
12 control of responsive documents.

13 **REQUEST NO. 10:**

14 Please produce complete and accurate copies of any and all DATA
15 related to Theresa Gardner from January 1, 2011, to the present.

16 **RESPONSE TO REQUEST NO. 10:**

17 No responsive documents are in Fairfax's possession, custody, or control.

18 **REQUEST NO. 11:**

19 Please produce complete and accurate copies of any and all DATA
20 related to Mark Bauer from January 1, 2011, to the present.

21 **RESPONSE TO REQUEST NO. 11:**

22 Objection. This request is overbroad, unduly burdensome, and is not
23 proportional to the needs of the case. This request seeks essentially all information
24 in any form related to Mark Bauer, regardless of whether such information relates
25 to any claim or defense in this matter, and regardless of whether Fairfax is in
26 possession of such information. Read literally, the request seeks all documents
27 about Mark Bauer created in the past 8 years by anyone anywhere in the world,

1 including third-party social media posts on subjects completely unrelated to this
2 litigation. The request seeks an extremely large number of documents and
3 searching for, reviewing, and producing all responsive documents would take an
4 absurd number of man hours. This request seeks proprietary, confidential, and
5 trade secret information that will not be produced until an adequate protective
6 order is on file in this matter. This request seeks information Fairfax cannot disclose
7 due to contractual obligations with third parties.

8 **REQUEST NO. 12:**

9 Please produce complete and accurate copies of any and all DATA
10 related to Carter Robinson from January 1, 2011, to the present.

11 **RESPONSE TO REQUEST NO. 12:**

12 No responsive documents are in Fairfax's possession, custody, or control.

13 **REQUEST NO. 13:**

14 Please produce complete and accurate copies of any and all DATA related to
15 Marew Klokkenja from January 1, 2011, to the present.

16 **RESPONSE TO REQUEST NO. 13:**

17 No responsive documents are in Fairfax's possession, custody, or control.

18 **REQUEST NO. 14:**

19 Please produce complete and accurate copies of any and all DATA
20 related to Bret Davis from January 1, 2011, to the present.

21 **RESPONSE TO REQUEST NO. 14:**

22 No responsive documents are in Fairfax's possession, custody, or control.

23 **REQUEST NO. 15:**

24 Please produce complete and accurate copies of any and all DATA
25 related to Mike Lewis from January 1, 2011, to the present.

26

27

1 RESPONSE TO REQUEST NO. 15:

2 Objection. This request is overbroad, unduly burdensome, and is not
3 proportional to the needs of the case. This request seeks essentially all information
4 in any form related to Mike Lewis, regardless of whether such information relates
5 to any claim or defense in this matter, and regardless of whether Fairfax is in
6 possession of such information. Read literally, the request seeks all documents
7 about Mike Lewis created in the past 8 years by anyone anywhere in the world,
8 including third-party social media posts on subjects completely unrelated to this
9 litigation. The request seeks an extremely large number of documents and
10 searching for, reviewing, and producing all responsive documents would take an
11 absurd number of man hours. This request seeks proprietary, confidential, and
12 trade secret information that will not be produced until an adequate protective
13 order is on file in this matter. This request seeks information Fairfax cannot disclose
14 due to contractual obligations with third parties.

15 Notwithstanding these objections, Fairfax responds as follows: Fairfax is not
16 in possession, custody, or control of responsive documents.

17 REQUEST NO. 16:

18 Produce complete and accurate copies of any and all DATA related to
19 Dean Nelson from January 1, 2011, to the present.

20 RESPONSE TO REQUEST NO. 16:

21 Objection. This request is overbroad, unduly burdensome, and is not
22 proportional to the needs of the case. This request seeks essentially all information
23 in any form related to Dean Nelson, regardless of whether such information relates
24 to any claim or defense in this matter, and regardless of whether Fairfax is in
25 possession of such information. Read literally, the request seeks all documents
26 about Dean Nelson created in the past 8 years by anyone anywhere in the world,
27 including third-party social media posts on subjects completely unrelated to this

1 litigation. The request seeks an extremely large number of documents and
2 searching for, reviewing, and producing all responsive documents would take an
3 absurd number of man hours. This request seeks proprietary, confidential, and
4 trade secret information that will not be produced until an adequate protective
5 order is on file in this matter. This request seeks information Fairfax cannot disclose
6 due to contractual obligations with third parties.

7 Notwithstanding these objections, Fairfax responds as follows: Fairfax is not
8 in possession, custody, or control of responsive documents.

9 **REQUEST NO. 17:**

10 Produce complete and accurate copies of any and all DATA related to
11 Mazen Rawashdeh from January 1, 2011, to the present.

12 **RESPONSE TO REQUEST NO. 17:**

13 No responsive documents are in Fairfax's possession, custody, or control.

14 **REQUEST NO. 18:**

15 Please produce complete and accurate copies of any and all DATA
16 related to Thomas Price from January 1, 2011, to the present.

17 **RESPONSE TO REQUEST NO. 18:**

18 No responsive documents are in Fairfax's possession, custody, or control.

19 **REQUEST NO. 19:**

20 Please produce complete and accurate copies of any and all DATA
21 related to Paul Santana from January 1, 2011, to the present.

22 **RESPONSE TO REQUEST NO. 19:**

23 Objection. This request is overbroad, unduly burdensome, and is not
24 proportional to the needs of the case. This request seeks essentially all information
25 in any form related to Paul Santana, regardless of whether such information
26 relates to any claim or defense in this matter, and regardless of whether Fairfax is
27 in possession of such information. Read literally, the request seeks all documents

1 about Paul Santana created in the past 8 years by anyone anywhere in the world,
2 including third-party social media posts on subjects completely unrelated to this
3 litigation. The request seeks an extremely large number of documents and
4 searching for, reviewing, and producing all responsive documents would take an
5 absurd number of man hours. This request seeks proprietary, confidential, and
6 trade secret information that will not be produced until an adequate protective
7 order is on file in this matter. This request seeks information Fairfax cannot disclose
8 due to contractual obligations with third parties.

9 Notwithstanding these objections, Fairfax responds as follows: Fairfax is not
10 in possession, custody, or control of responsive documents.

11 **REQUEST NO. 20:**

12 Produce complete and accurate copies of any and all DATA related to
13 Stephen Harlett from January 1, 2011, to the present.

14 **RESPONSE TO REQUEST NO. 20:**

15 No responsive documents are in Fairfax's possession, custody, or control.

16 **REQUEST NO. 21:**

17 Please produce complete and accurate copies of any and all DATA
18 related to Richard Reyher from January 1, 2011, to the present.

19 **RESPONSE TO REQUEST NO. 21:**

20 Objection. This request is overbroad, unduly burdensome, and is not
21 proportional to the needs of the case. This request seeks essentially all information
22 in any form related to Richard Reyher, regardless of whether such information
23 relates to any claim or defense in this matter, and regardless of whether Fairfax is
24 in possession of such information. Read literally, the request seeks all documents
25 about Richard Reyher created in the past 8 years by anyone anywhere in the
26 world, including third-party social media posts on subjects completely unrelated
27 to this litigation. The request seeks an extremely large number of documents and

1 searching for, reviewing, and producing all responsive documents would take an
2 absurd number of man hours. This request seeks proprietary, confidential, and
3 trade secret information that will not be produced until an adequate protective
4 order is on file in this matter. This request seeks information Fairfax cannot disclose
5 due to contractual obligations with third parties.

6 Notwithstanding these objections, Fairfax responds as follows: Fairfax is not
7 in possession, custody, or control of responsive documents.

8 **REQUEST NO. 22:**

9 Please produce complete and accurate copies of any and all DATA
10 related to Seth Feldman from January 1, 2011, to the present.

11 **RESPONSE TO REQUEST NO. 22:**

12 No responsive documents are in Fairfax's possession, custody, or control.

13 **REQUEST NO. 23:**

14 Please produce complete and accurate copies of any and all DATA
15 related to Devin Wenig from January 1, 2011, to the present.

16 **RESPONSE TO REQUEST NO. 23:**

17 No responsive documents are in Fairfax's possession, custody, or control.

18 **REQUEST NO. 24:**

19 Please produce complete and accurate copies of any and all DATA
20 related to Jakob Carnemark from January 1, 2011, to the present.

21 **RESPONSE TO REQUEST NO. 24:**

22 Objection. This request is overbroad, unduly burdensome, and is not
23 proportional to the needs of the case. This request seeks essentially all information
24 in any form related to Jakob Carnemark, regardless of whether such information
25 relates to any claim or defense in this matter, and regardless of whether Fairfax is
26 in possession of such information. Read literally, the request seeks all documents
27 about Jakob Carnemark created in the past 8 years by anyone anywhere in the

1 world, including third-party social media posts on subjects completely unrelated
2 to this litigation. The request seeks an extremely large number of documents and
3 searching for, reviewing, and producing all responsive documents would take an
4 absurd number of man hours. This request seeks proprietary, confidential, and
5 trade secret information that will not be produced until an adequate protective
6 order is on file in this matter. This request seeks information Fairfax cannot disclose
7 due to contractual obligations with third parties. This request is an abuse of the
8 discovery process and shows an attempt by Switch to use this litigation to obtain
9 confidential information regarding direct competitors.

10 Notwithstanding these objections, Fairfax responds as follows: Fairfax is not
11 in possession, custody, or control of responsive documents.

12 **REQUEST NO. 25:**

13 Please produce complete and accurate copies of any and all DATA
14 related to Andrew Schaap from January 1, 2011, to the present.

15 **RESPONSE TO REQUEST NO. 25:**

16 Objection. This request is overbroad, unduly burdensome, and is not
17 proportional to the needs of the case. This request seeks essentially all information
18 in any form related to Andrew Schaap, regardless of whether such information
19 relates to any claim or defense in this matter, and regardless of whether Fairfax is
20 in possession of such information. Read literally, the request seeks all documents
21 about Andrew Schaap created in the past 8 years by anyone anywhere in the
22 world, including third-party social media posts on subjects completely unrelated
23 to this litigation. The request seeks an extremely large number of documents and
24 searching for, reviewing, and producing all responsive documents would take an
25 absurd number of man hours. This request seeks proprietary, confidential, and
26 trade secret information that will not be produced until an adequate protective
27 order is on file in this matter. This request seeks information Fairfax cannot disclose

1 due to contractual obligations with third parties. This request is an abuse of the
2 discovery process and shows an attempt by Switch to use this litigation to obtain
3 confidential information regarding direct competitors.

4 Notwithstanding these objections, Fairfax responds as follows: Fairfax is not
5 in possession, custody, or control of responsive documents.

6 **REQUEST NO. 26:**

7 Please produce complete and accurate copies of any and all DATA
8 related to Stephen Smith from January 1, 2011, to the present.

9 **RESPONSE TO REQUEST NO. 26:**

10 No responsive documents are in Fairfax's possession, custody, or control.

11 **REQUEST NO. 27:**

12 Please produce complete and accurate copies of any and all DATA
13 related to Rajendran Avadaippan from January 1, 2011, to the present.

14 **RESPONSE TO REQUEST NO. 27:**

15 No responsive documents are in Fairfax's possession, custody, or control.

16 **REQUEST NO. 28:**

17 Please produce complete and accurate copies of any and all video
18 footage, including b-roll footage, YOU received and/or have in YOUR possession,
19 with regard to the ALIGNED videos.

20 **RESPONSE TO REQUEST NO. 28:**

21 Objection. This request is overbroad, unduly burdensome, and is not
22 proportional to the needs of the case. This request is vague and ambiguous as to
23 the term "ALIGNED videos" in that it does not identify any potentially responsive
24 videos. This request thus appears to seek documents pertaining to all videos
25 created by or concerning ALIGNED, regardless of their relevance to any party's
26 claims or defenses or when such videos were created.

1 Notwithstanding these objections, Fairfax responds as follows: The only
2 responsive document is already in Switch's possession and was produced by
3 Switch as Bates No. SWITCH 000044.

4 **REQUEST NO. 29:**

5 Please produce complete and accurate copies of any and all payments
6 made to YOU by Aligned, or any Aligned employees.

7 **RESPONSE TO REQUEST NO. 29:**

8 Objection. This request is overbroad, unduly burdensome, and is not
9 proportional to the needs of the case. This request is not limited to relevant time
10 period and is not limited in scope to issues relevant to any party's claims or
11 defenses.

12 Notwithstanding these objections, Fairfax responds as follows: Fairfax is not
13 in possession, custody, or control of responsive documents.

14 **REQUEST NO. 30:**

15 Please produce complete and accurate copies of any and all
16 communications regarding payments received by MTECHNOLOGY and/or YOU
17 from Aligned or any Aligned employees.

18 **RESPONSE TO REQUEST NO. 30:**

19 Objection. This request is overbroad, unduly burdensome, and is not
20 proportional to the needs of the case. This request is not limited to relevant time
21 period and is not limited in scope to issues relevant to any party's claims or
22 defenses. This request seeks proprietary, confidential, and trade secret
23 information that will not be produced until an adequate protective order is on file
24 in this matter. This request seeks information Fairfax cannot disclose due to
25 contractual obligations with third parties.

26 Notwithstanding these objections, Fairfax responds as follows: Fairfax is not
27 in possession, custody, or control of responsive documents.

1 REQUEST NO. 31:

2 Please produce complete and accurate copies of any and all bank
3 records from 2011 to present in YOUR control reflecting financial transactions with
4 individuals or entities affiliated with Aligned, Aligned Energy, Inertech, eBay,
5 and/or Paypal.

6 RESPONSE TO REQUEST NO. 31:

7 Objection. This request is overbroad, unduly burdensome, and is not
8 proportional to the needs of the case. This request is not limited in scope to any
9 issue relevant to any party's claims or defenses. This request seeks proprietary,
10 confidential, and trade secret information that will not be produced until an
11 adequate protective order is on file in this matter. This request seeks personal
12 financial information of individuals unrelated to this litigation that will not be
13 produced. It is impossible for Fairfax to respond fully to this request, as it seeks
14 records reflecting transactions with individuals or entities "affiliated with"
15 numerous companies, and Fairfax cannot determine all individuals or entities
16 affiliated with them.

17 Notwithstanding these objections, Fairfax responds as follows: other than
18 eBay marketplace purchases and PayPal payments, Fairfax is not in possession,
19 custody, or control of responsive documents.

20 REQUEST NO. 32:

21 Please produce complete and accurate copies of any and all of YOUR
22 cell phone records evidencing communications with individuals or entities
23 affiliated with Aligned, Aligned Energy, Inertech, eBay, and/or Paypal between
24 yourself and from 2010 to present.

25 RESPONSE TO REQUEST NO. 32:

26 Objection. This request is overbroad, unduly burdensome, and is not
27 proportional to the needs of the case. This request is not limited in scope to any

1 issue relevant to any party's claims or defenses. This request seeks proprietary,
2 confidential, and trade secret information that will not be produced until an
3 adequate protective order is on file in this matter. This request seeks personal
4 communication information unrelated to this litigation that will not be produced.
5 It is impossible for Fairfax to respond fully to this request, as it seeks records
6 reflecting transactions with individuals or entities "affiliated with" numerous
7 companies, and Fairfax cannot determine all individuals or entities affiliated with
8 them.

9 Notwithstanding these objections, Fairfax responds as follows: Fairfax is not
10 in possession, custody, or control of responsive documents.

11 **REQUEST NO. 33:**

12 Please produce complete and accurate copies of any and all DATA
13 evidencing Aligned designs created between January 1, 2011, and the present.

14 **RESPONSE TO REQUEST NO. 33:**

15 Objection. This request is overbroad, unduly burdensome, and is not
16 proportional to the needs of the case. This request seeks essentially all information
17 in any form related to Aligned designs, regardless of whether such information
18 relates to any claim or defense in this matter, and regardless of whether Fairfax is
19 in possession of such information. Read literally, the request seeks all documents
20 about Aligned designs created in the past 8 years by anyone anywhere in the
21 world, including third-party social media posts on subjects completely unrelated
22 to this litigation. This request is vague and ambiguous as to the term "Aligned
23 designs." The request seeks an extremely large number of documents and
24 searching for, reviewing, and producing all responsive documents would take an
25 absurd number of man hours. This request seeks proprietary, confidential, and
26 trade secret information that will not be produced until an adequate protective
27 order is on file in this matter. This request seeks information Fairfax cannot disclose

1 due to contractual obligations with third parties. This request is an abuse of the
2 discovery process and shows an attempt by Switch to use this litigation to obtain
3 confidential information regarding direct competitors.

4 Notwithstanding these objections, Fairfax responds as follows: Fairfax is not
5 in possession, custody, or control of responsive documents.

6 **REQUEST NO. 34:**

7 Please produce complete and accurate copies of DATA evidencing
8 Aligned Energy designs created between January 1, 2011, and the present.

9 **RESPONSE TO REQUEST NO. 34:**

10 Objection. This request is overbroad, unduly burdensome, and is not
11 proportional to the needs of the case. This request seeks essentially all information
12 in any form related to Aligned Energy designs, regardless of whether such
13 information relates to any claim or defense in this matter, and regardless of
14 whether Fairfax is in possession of such information. Read literally, the request
15 seeks all documents about Aligned Energy designs created in the past 8 years by
16 anyone anywhere in the world, including third-party social media posts on
17 subjects completely unrelated to this litigation. This request is vague and
18 ambiguous as to the term "Aligned Energy designs." The request seeks an
19 extremely large number of documents and searching for, reviewing, and
20 producing all responsive documents would take an absurd number of man hours.
21 This request seeks proprietary, confidential, and trade secret information that will
22 not be produced until an adequate protective order is on file in this matter. This
23 request seeks information Fairfax cannot disclose due to contractual obligations
24 with third parties. This request is an abuse of the discovery process and shows an
25 attempt by Switch to use this litigation to obtain confidential information
26 regarding direct competitors.

27

1 Notwithstanding these objections, Fairfax responds as follows: Fairfax is not
2 in possession, custody, or control of responsive documents.

3 **REQUEST NO. 35:**

4 Please produce complete and accurate copies of DATA evidencing
5 Inertech designs created between January 1, 2011, and the present.

6 **RESPONSE TO REQUEST NO. 35:**

7 Objection. This request is overbroad, unduly burdensome, and is not
8 proportional to the needs of the case. This request seeks essentially all information
9 in any form related to Inertech designs, regardless of whether such information
10 relates to any claim or defense in this matter, and regardless of whether Fairfax is
11 in possession of such information. Read literally, the request seeks all documents
12 about Inertech designs created in the past 8 years by anyone anywhere in the
13 world, including third-party social media posts on subjects completely unrelated
14 to this litigation. This request is vague and ambiguous as to the term "Inertech
15 designs." The request seeks an extremely large number of documents and
16 searching for, reviewing, and producing all responsive documents would take an
17 absurd number of man hours. This request seeks proprietary, confidential, and
18 trade secret information that will not be produced until an adequate protective
19 order is on file in this matter. This request seeks information Fairfax cannot disclose
20 due to contractual obligations with third parties. This request is an abuse of the
21 discovery process and shows an attempt by Switch to use this litigation to obtain
22 confidential information regarding direct competitors.

23 Notwithstanding these objections, Fairfax responds as follows: Fairfax is not
24 in possession, custody, or control of responsive documents.

25 **REQUEST NO. 36:**

26 Please produce complete and accurate copies of DATA evidencing YOUR
27 data center designs created between January 1, 2011, and the present.

1 RESPONSE TO REQUEST NO. 36:

2 Objection. This request is an abuse of the discovery process and shows an
3 attempt by Switch to use this litigation to obtain confidential information
4 regarding direct competitors.

5 Notwithstanding these objections, Fairfax responds as follows: Fairfax is not
6 in possession, custody, or control of responsive documents. Fairfax has never
7 designed a data center.

8 REQUEST NO. 37:

9 Please produce complete and accurate copies of any and all DATA
10 related to Switch from January 1, 2011, to the present.

11 RESPONSE TO REQUEST NO. 37:

12 Objection. This request is overbroad, unduly burdensome, and is not
13 proportional to the needs of the case. This request seeks essentially all information
14 in any form related to Switch, regardless of whether such information relates to
15 any claim or defense in this matter, and regardless of whether Fairfax is in
16 possession of such information. Read literally, the request seeks all documents
17 about Switch created in the past 8 years by anyone anywhere in the world,
18 including third-party social media posts on subjects completely unrelated to this
19 litigation. The request seeks an extremely large number of documents and
20 searching for, reviewing, and producing all responsive documents would take an
21 absurd number of man hours. This request seeks proprietary, confidential, and
22 trade secret information that will not be produced until an adequate protective
23 order is on file in this matter. This request seeks information Fairfax cannot disclose
24 due to contractual obligations with third parties. This request is particularly
25 abusive because Switch, by definition, is in possession of the majority of potentially
26 responsive documents and there is no need to burden Fairfax with this overbroad
27 request.

1 Notwithstanding these objections, Fairfax responds as follows: Fairfax is not
2 in possession, custody, or control of responsive documents.

3 **REQUEST NO. 38:**

4 Please produce complete and accurate copies of any and all DATA
5 related to Rob Roy from January 1, 2011, to the present.

6 **RESPONSE TO REQUEST NO. 38:**

7 Objection. This request is overbroad, unduly burdensome, and is not
8 proportional to the needs of the case. This request seeks essentially all information
9 in any form related to Rob Roy, regardless of whether such information relates to
10 any claim or defense in this matter, and regardless of whether Fairfax is in
11 possession of such information. Read literally, the request seeks all documents
12 about Rob Roy created in the past 8 years by anyone anywhere in the world,
13 including third-party social media posts on subjects completely unrelated to this
14 litigation. The request seeks an extremely large number of documents and
15 searching for, reviewing, and producing all responsive documents would take an
16 absurd number of man hours. This request seeks proprietary, confidential, and
17 trade secret information that will not be produced until an adequate protective
18 order is on file in this matter. This request seeks information Fairfax cannot disclose
19 due to contractual obligations with third parties. This request is particularly
20 abusive because Switch, by definition, is in possession of the majority of potentially
21 responsive documents and there is no need to burden Fairfax with this overbroad
22 request.

23 Notwithstanding these objections, Fairfax responds as follows: Fairfax is not
24 in possession, custody, or control of responsive documents.

25 **REQUEST NO. 39:**

26 Please produce all DATA related to your design work for Aligned.
27

1 RESPONSE TO REQUEST NO. 39:

2 Objection. This request is overbroad, unduly burdensome, and is not
3 proportional to the needs of the case. This request is not limited to any relevant
4 time period and is not limited in scope to issues related to any party's claims or
5 defenses. This request seeks proprietary, confidential, and trade secret
6 information that will not be produced until an adequate protective order is on file
7 in this matter. This request seeks information Fairfax cannot disclose due to
8 contractual obligations with third parties. This request is an abuse of the discovery
9 process and shows an attempt by Switch to use this litigation to obtain
10 confidential information regarding direct competitors.

11 Notwithstanding these objections, Fairfax responds as follows: Fairfax is not
12 in possession, custody, or control of responsive documents.

13 REQUEST NO. 40:

14 Please produce complete and accurate copies of your analysis of
15 Aligned's designs created between January 1, 2011, and the present.

16 RESPONSE TO REQUEST NO. 40:

17 Objection. This request is overbroad, unduly burdensome, and is not
18 proportional to the needs of the case. This request seeks proprietary, confidential,
19 and trade secret information that will not be produced until an adequate
20 protective order is on file in this matter. This request seeks information Fairfax
21 cannot disclose due to contractual obligations with third parties. This request is
22 an abuse of the discovery process and shows an attempt by Switch to use this
23 litigation to obtain confidential information regarding direct competitors.

24 Notwithstanding these objections, Fairfax responds as follows: Fairfax is not
25 in possession, custody, or control of responsive documents.

1 REQUEST NO. 41:

2 Please produce complete and accurate copies of your analysis of
3 Aligned Energy's designs created between January 1, 2011, and the present.

4 RESPONSE TO REQUEST NO. 41:

5 Objection. This request is overbroad, unduly burdensome, and is not
6 proportional to the needs of the case. This request seeks proprietary, confidential,
7 and trade secret information that will not be produced until an adequate
8 protective order is on file in this matter. This request seeks information Fairfax
9 cannot disclose due to contractual obligations with third parties. This request is
10 an abuse of the discovery process and shows an attempt by Switch to use this
11 litigation to obtain confidential information regarding direct competitors.

12 Notwithstanding these objections, Fairfax responds as follows: Fairfax is not
13 in possession, custody, or control of responsive documents.

14 REQUEST NO. 42:

15 Please produce complete and accurate copies of your analysis of
16 Inertech's designs created between January 1, 2011, and the present.

17 RESPONSE TO REQUEST NO. 42:

18 Objection. This request is overbroad, unduly burdensome, and is not
19 proportional to the needs of the case. This request seeks proprietary, confidential,
20 and trade secret information that will not be produced until an adequate
21 protective order is on file in this matter. This request seeks information Fairfax
22 cannot disclose due to contractual obligations with third parties. This request is
23 an abuse of the discovery process and shows an attempt by Switch to use this
24 litigation to obtain confidential information regarding direct competitors.

25 Notwithstanding these objections, Fairfax responds as follows: Fairfax is not
26 in possession, custody, or control of responsive documents.

1 REQUEST NO. 43:

2 Please produce complete and accurate copies of all collaborations with
3 Aligned regarding Aligned's data center designs created between January 1,
4 2011, and the present.

5 RESPONSE TO REQUEST NO. 43:

6 Objection. This request is overbroad, unduly burdensome, and is not
7 proportional to the needs of the case. This request seeks proprietary, confidential,
8 and trade secret information that will not be produced until an adequate
9 protective order is on file in this matter. This request seeks information Fairfax
10 cannot disclose due to contractual obligations with third parties. This request is
11 vague and ambiguous as to the term "collaborations with Aligned regarding
12 Aligned's data center designs." This request is an abuse of the discovery process
13 and shows an attempt by Switch to use this litigation to obtain confidential
14 information regarding direct competitors.

15 Notwithstanding these objections, Fairfax responds as follows: Fairfax is not
16 in possession, custody, or control of responsive documents.

17 REQUEST NO. 44:

18 Please produce all DATA related to your retention as a consultant with
19 Aligned.

20 RESPONSE TO REQUEST NO. 44:

21 Objection. This request is overbroad, unduly burdensome, and is not
22 proportional to the needs of the case. This request seeks proprietary, confidential,
23 and trade secret information that will not be produced until an adequate
24 protective order is on file in this matter. This request seeks information Fairfax
25 cannot disclose due to contractual obligations with third parties. This request is
26 an abuse of the discovery process and shows an attempt by Switch to use this
27 litigation to obtain confidential information regarding direct competitors.

1 Notwithstanding these objections, Fairfax responds as follows: Fairfax is not
2 in possession, custody, or control of responsive documents.

3 **REQUEST NO. 45:**

4 Please produce complete and accurate copies of all DATA regarding
5 Aligned's data center designs created between January 1, 2011, and the
6 present.

7 **RESPONSE TO REQUEST NO. 45:**

8 Objection. This request is overbroad, unduly burdensome, and is not
9 proportional to the needs of the case. This request seeks essentially all information
10 in any form related to Aligned data center designs, regardless of whether such
11 information relates to any claim or defense in this matter, and regardless of
12 whether Fairfax is in possession of such information. Read literally, the request
13 seeks all documents about Aligned data center designs created in the past 8
14 years by anyone anywhere in the world, including third-party social media posts
15 on subjects completely unrelated to this litigation. The request seeks an extremely
16 large number of documents and searching for, reviewing, and producing all
17 responsive documents would take an absurd number of man hours. This request
18 seeks proprietary, confidential, and trade secret information that will not be
19 produced until an adequate protective order is on file in this matter. This request
20 seeks information Fairfax cannot disclose due to contractual obligations with third
21 parties. This request is an abuse of the discovery process and shows an attempt
22 by Switch to use this litigation to obtain confidential information regarding direct
23 competitors.

24 Notwithstanding these objections, Fairfax responds as follows: Fairfax is not
25 in possession, custody, or control of responsive documents.

1 Dated: June 27, 2019.

Respectfully submitted,

2 /s/ Ronald D. Green

3 Marc J. Randazza (NV Bar No. 12265)

4 Ronald D. Green (NV Bar No. 7360)

5 Alex J. Shepard (NV Bar No. 13582)

6 **RANDAZZA LEGAL GROUP, PLLC**

7 2764 Lake Sahara Drive, Suite 109

8 Las Vegas, Nevada 89147

9 Attorneys for Defendants

10 Stephen Fairfax and MTechnology

11 RANDAZZA | LEGAL GROUP

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1 Case No. 2:17-cv-02651-GMN-VCF
2

3 **CERTIFICATE OF SERVICE**
4

5 I HEREBY CERTIFY that on this 27th day of June 2019, I served the foregoing
6 document upon counsel for the Plaintiff Switch, Ltd., listed below, via electronic
7 mail and U.S. Mail:

8 Anne-Marie Birk
9 Sam Castor
10 **Switch, LTD.**
11 <abirk@switch.com>
12 <sam@switch.com>
13 7135 S. Decatur Blvd.
14 Las Vegas, NV 89118

15 F. Christopher Austin, Esq.
16 **WEIDE & MILLER, LTD.**
17 10655 Park Run Drive, Suite 100
18 Las Vegas, Nevada 89144
19 <caustin@weidemiller.com>

20 Attorneys for Plaintiff
21 Switch, Ltd.

22 Respectfully Submitted,
23

24 /s/ Heather Ebert
25 Employee,
26 Randazza Legal Group, PLLC
27

1 Marc J. Randazza (NV Bar No. 12265)
2 Ronald D. Green (NV Bar No. 7360)
3 Alex J. Shepard (NV Bar No. 13582)
3 **RANDAZZA LEGAL GROUP, PLLC**
4 2764 Lake Sahara Drive, Suite 109
4 Las Vegas, NV 89117
5 Telephone: 702-420-2001
5 ecf@randazza.com
6 Attorneys for Defendants
7 Stephen Fairfax and MTechnology

8
8 **UNITED STATES DISTRICT COURT**
9 **DISTRICT OF NEVADA**

10 SWITCH, LTD.,
11 a Nevada limited liability company,

Case No.: 2:17-cv-02651-GMN-VCF

12 Plaintiff,

13
13 **DEFENDANT MTECHNOLOGY'S**
14 **RESPONSES AND OBJECTIONS TO**
14 **PLAINTIFF'S FIRST SET OF REQUESTS**
15 **FOR PRODUCTION OF DOCUMENTS**

16 vs.

17 STEPHEN FAIRFAX; MTECHNOLOGY;
18 DOES 1 through 10; and ROE ENTITIES 11
19 through 20, inclusive,

20 Defendants.

21 Defendant MTechnology, Inc. ("MTech") hereby submits its Responses and
22 Objections to Plaintiff's First Set of Requests for Production of Documents pursuant
23 to Federal Rules of Civil Procedure Rules 26 and 34.

24 These responses are made solely for the purpose of, and in relation to, this
25 action. Each response is given subject to all appropriate objections (including
26 but not limited to objections concerning competency, relevancy, materiality,
27 propriety, and admissibility), which would require the exclusion of any statement
contained herein if the request were asked of, or any statement contained herein

1 was made by, a witness present and testifying in court. All such objections and
2 grounds therefore are reserved and may be interposed at the time of trial.

3 Except for facts explicitly admitted herein, no admission of any nature
4 whatsoever is to be implied or inferred. The fact that any request herein has been
5 responded upon should not be taken as an admission, or a concession, of the
6 existence of any facts set forth or assumed by such request, or that such response
7 constitutes evidence of any fact thus set forth or assumed. All responses must be
8 construed as given on the basis of present recollection.

GENERAL OBJECTIONS

9
10 1. MTech objects to the subject requests to the extent that they request
11 the disclosure of information protected by the attorney-client privilege, the work-
12 product doctrine, or any other recognized privilege or immunity.

13 2. MTech objects to the subject requests to the extent that they are not
14 reasonably calculated to lead to the discovery of admissible evidence. The
15 providing of documents in response to any request is not to be deemed or
16 construed as an admission by MTech that the information is in fact relevant to this
17 action.

18 3. MTech objects to the subject requests to the extent that they call for
19 the production of documents not in the possession, custody, or control of MTech.

20 4. To the extent words or phrases used in the requests are vague,
21 ambiguous, or otherwise overbroad, MTech shall respond in a manner in which
22 they believe, in good faith, to be requested thereby.

23 5. MTech states that discovery in this matter is continuing and ongoing
24 and that it is possible that additional information responsive to the requests will be
25 identified subsequent to the date of this response.

26 6. All responses made herein are based upon the best knowledge,
27 information and belief held by MTech at the time of the response.

1 7. MTech objects to the Definitions to the extent they conflict with the
2 definitions applicable in the Federal Rules of Civil Procedure and/or Local Civil
3 Rule 26.

4 8. MTech objects to the Instructions to the extent they impose any
5 obligation beyond that required by the Federal Rules of Civil Procedure or the
6 Local Rules of this Court.

7 9. MTech objects to the requests to the extent they encompass
8 documents subject to attorney-client privilege created subsequent to the
9 initiation of this litigation and will neither produce nor create a privilege log as to
10 same.

11 10. MTech incorporates these General Objections into each and every
12 specific response as if fully set forth therein.

13 Subject to and without waiving the foregoing General Objections, MTech
14 specifically responds to each numbered Request as follows:

RESPONSES TO REQUESTS FOR PRODUCTION

16 | REQUEST NO. 1:

17 Please produce complete and accurate copies of any and all DATA
18 regarding MTECHNOLOGY and Aligned from January 1, 2011, to the present.

19 | RESPONSE TO REQUEST NO. 1:

20 Objection. This request is overbroad, unduly burdensome, and is not
21 proportional to the needs of the case. This request seeks essentially all information
22 in any form related to MTech and Aligned, regardless of whether such information
23 relates to any claim or defense in this matter, and regardless of whether MTech is
24 in possession of such information. Read literally, the request seeks all documents
25 about either entity created in the past 8 years by anyone anywhere in the world,
26 including third-party social media posts on subjects completely unrelated to this
27 litigation. The request seeks an extremely large number of documents and

1 searching for, reviewing, and producing all responsive documents would take an
2 absurd number of man hours. This request seeks proprietary, confidential, and
3 trade secret information that will not be produced until an adequate protective
4 order is on file in this matter. This request seeks information MTech cannot disclose
5 due to contractual obligations with third parties. This request is an abuse of the
6 discovery process and shows an attempt by Switch to use this litigation to obtain
7 confidential information regarding direct competitors.

8 **REQUEST NO. 2:**

9 Please produce complete and accurate copies of all agreements
10 between MTECHNOLOGY and Aligned.

11 **RESPONSE TO REQUEST NO. 2:**

12 Objection. This request is overbroad, unduly burdensome, and is not
13 proportional to the needs of the case. This request is not limited to information
14 related to the parties' claims or defenses and is not limited to any relevant time
15 period. This request seeks proprietary, confidential, and trade secret information
16 that will not be produced until an adequate protective order is on file in this
17 matter. This request seeks information MTech cannot disclose due to contractual
18 obligations with third parties.

19 **REQUEST NO. 3:**

20 Please produce complete and accurate copies of all agreements
21 between FAIRFAX and Aligned.

22 **RESPONSE TO REQUEST NO. 3:**

23 No responsive documents are in MTech's custody, possession, or control.

24 **REQUEST NO. 4:**

25 Please produce complete and accurate copies of any and all DATA
26 related to Aligned Energy from January 1, 2011, to the present.

27

1 RESPONSE TO REQUEST NO. 4:

2 Objection. This request is overbroad, unduly burdensome, and is not
3 proportional to the needs of the case. This request seeks essentially all information
4 in any form related to Aligned Energy, regardless of whether such information
5 relates to any claim or defense in this matter, and regardless of whether MTech is
6 in possession of such information. Read literally, the request seeks all documents
7 about Aligned Energy created in the past 8 years by anyone anywhere in the
8 world, including third-party social media posts on subjects completely unrelated
9 to this litigation. The request seeks an extremely large number of documents and
10 searching for, reviewing, and producing all responsive documents would take an
11 absurd number of man hours. This request seeks proprietary, confidential, and
12 trade secret information that will not be produced until an adequate protective
13 order is on file in this matter. This request seeks information MTech cannot disclose
14 due to contractual obligations with third parties. This request is an abuse of the
15 discovery process and shows an attempt by Switch to use this litigation to obtain
16 confidential information regarding direct competitors.

17 REQUEST NO. 5:

18 Please produce complete and accurate copies of any and all DATA
19 related to Inertech from January 1, 2011 to the present.

20 RESPONSE TO REQUEST NO. 5:

21 Objection. This request is overbroad, unduly burdensome, and is not
22 proportional to the needs of the case. This request seeks essentially all information
23 in any form related to Inertech, regardless of whether such information relates to
24 any claim or defense in this matter, and regardless of whether MTech is in
25 possession of such information. Read literally, the request seeks all documents
26 about Inertech created in the past 8 years by anyone anywhere in the world,
27 including third-party social media posts on subjects completely unrelated to this

1 litigation. The request seeks an extremely large number of documents and
2 searching for, reviewing, and producing all responsive documents would take an
3 absurd number of man hours. This request seeks proprietary, confidential, and
4 trade secret information that will not be produced until an adequate protective
5 order is on file in this matter. This request seeks information MTech cannot disclose
6 due to contractual obligations with third parties. This request is an abuse of the
7 discovery process and shows an attempt by Switch to use this litigation to obtain
8 confidential information regarding direct competitors.

9 **REQUEST NO. 6:**

10 Please produce complete and accurate copies of any and all DATA
11 related to Uber from January 1, 2011, to the present.

12 **RESPONSE TO REQUEST NO. 6:**

13 Objection. This request is overbroad, unduly burdensome, and is not
14 proportional to the needs of the case. This request seeks essentially all information
15 in any form related to Uber, regardless of whether such information relates to any
16 claim or defense in this matter, and regardless of whether MTech is in possession
17 of such information. Read literally, the request seeks all documents about Uber
18 created in the past 8 years by anyone anywhere in the world, including third-party
19 social media posts on subjects completely unrelated to this litigation. The request
20 seeks an extremely large number of documents and searching for, reviewing, and
21 producing all responsive documents would take an absurd number of man hours.
22 This request seeks proprietary, confidential, and trade secret information that will
23 not be produced until an adequate protective order is on file in this matter. This
24 request seeks personal ride share information of individuals unrelated to this
25 litigation that will not be produced. This request seeks information MTech cannot
26 disclose due to contractual obligations with third parties.

27

1 **REQUEST NO. 7:**

2 Please produce complete and accurate copies of any and all DATA
3 related to eBay from January 1, 2011, to the present.

4 **RESPONSE TO REQUEST NO. 7:**

5 Objection. This request is overbroad, unduly burdensome, and is not
6 proportional to the needs of the case. This request seeks essentially all information
7 in any form related to eBay, regardless of whether such information relates to any
8 claim or defense in this matter, and regardless of whether MTech is in possession
9 of such information. Read literally, the request seeks all documents about eBay
10 created in the past 8 years by anyone anywhere in the world, including third-party
11 social media posts on subjects completely unrelated to this litigation. The request
12 seeks an extremely large number of documents and searching for, reviewing, and
13 producing all responsive documents would take an absurd number of man hours.
14 This request seeks proprietary, confidential, and trade secret information that will
15 not be produced until an adequate protective order is on file in this matter. This
16 request seeks personal purchasing information of individuals unrelated to this
17 litigation that will not be produced. This request seeks information MTech cannot
18 disclose due to contractual obligations with third parties.

19 **REQUEST NO. 8:**

20 Please produce complete and accurate copies of any and all DATA
21 related to PayPal from January 1, 2011, to the present.

22 **RESPONSE TO REQUEST NO. 8:**

23 Objection. This request is overbroad, unduly burdensome, and is not
24 proportional to the needs of the case. This request seeks essentially all information
25 in any form related to Paypal, regardless of whether such information relates to
26 any claim or defense in this matter, and regardless of whether MTech is in
27 possession of such information. Read literally, the request seeks all documents

1 about Paypal created in the past 8 years by anyone anywhere in the world,
2 including third-party social media posts on subjects completely unrelated to this
3 litigation. The request seeks an extremely large number of documents and
4 searching for, reviewing, and producing all responsive documents would take an
5 absurd number of man hours. This request seeks personal financial information of
6 individuals unrelated to this litigation that will not be produced.

7 **REQUEST NO. 9:**

8 Please produce complete and accurate copies of any and all DATA
9 related to Theresa Gardner from January 1, 2011, to the present.

10 **RESPONSE TO REQUEST NO. 9:**

11 No responsive documents are in MTech's possession, custody, or control.

12 **REQUEST NO. 10:**

13 Please produce complete and accurate copies of any and all DATA
14 related to Mark Bauer from January 1, 2011, to the present.

15 **RESPONSE TO REQUEST NO. 10:**

16 Objection. This request is overbroad, unduly burdensome, and is not
17 proportional to the needs of the case. This request seeks essentially all information
18 in any form related to Mark Bauer, regardless of whether such information relates
19 to any claim or defense in this matter, and regardless of whether MTech is in
20 possession of such information. Read literally, the request seeks all documents
21 about Mark Bauer created in the past 8 years by anyone anywhere in the world,
22 including third-party social media posts on subjects completely unrelated to this
23 litigation. The request seeks an extremely large number of documents and
24 searching for, reviewing, and producing all responsive documents would take an
25 absurd number of man hours. This request seeks proprietary, confidential, and
26 trade secret information that will not be produced until an adequate protective
27

1 order is on file in this matter. This request seeks information MTech cannot disclose
2 due to contractual obligations with third parties.

3 **REQUEST NO. 11:**

4 Please produce complete and accurate copies of any and all DATA
5 related to Carter Robinson from January 1, 2011, to the present.

6 **RESPONSE TO REQUEST NO. 11:**

7 No responsive documents are in MTech's possession, custody, or control.

8 **REQUEST NO. 12:**

9 Please produce complete and accurate copies of any all DATA related to
10 Marew Klokkenja from January 1, 2011, to the present.

11 **RESPONSE TO REQUEST NO. 12:**

12 No responsive documents are in MTech's possession, custody, or control.

13 **REQUEST NO. 13:**

14 Please produce complete and accurate copies of any and all DATA
15 related to Bret Davis from January 1, 2011, to the present.

16 **RESPONSE TO REQUEST NO. 13:**

17 No responsive documents are in MTech's possession, custody, or control.

18 **REQUEST NO. 14:**

19 Please produce complete and accurate copies of any and all DATA
20 related to Mike Lewis from January 1, 2011, to the present.

21 **RESPONSE TO REQUEST NO. 14:**

22 Objection. This request is overbroad, unduly burdensome, and is not
23 proportional to the needs of the case. This request seeks essentially all information
24 in any form related to Mike Lewis, regardless of whether such information relates
25 to any claim or defense in this matter, and regardless of whether MTech is in
26 possession of such information. Read literally, the request seeks all documents
27 about Mike Lewis created in the past 8 years by anyone anywhere in the world,

1 including third-party social media posts on subjects completely unrelated to this
2 litigation. The request seeks an extremely large number of documents and
3 searching for, reviewing, and producing all responsive documents would take an
4 absurd number of man hours. This request seeks proprietary, confidential, and
5 trade secret information that will not be produced until an adequate protective
6 order is on file in this matter. This request seeks information MTech cannot disclose
7 due to contractual obligations with third parties.

8 **REQUEST NO. 15:**

9 Please produce complete and accurate copies of any and all DATA
10 related to Dean Nelson from January 1, 2011, to the present.

11 **RESPONSE TO REQUEST NO. 15:**

12 Objection. This request is overbroad, unduly burdensome, and is not
13 proportional to the needs of the case. This request seeks essentially all information
14 in any form related to Dean Nelson, regardless of whether such information relates
15 to any claim or defense in this matter, and regardless of whether MTech is in
16 possession of such information. Read literally, the request seeks all documents
17 about Dean Nelson created in the past 8 years by anyone anywhere in the world,
18 including third-party social media posts on subjects completely unrelated to this
19 litigation. The request seeks an extremely large number of documents and
20 searching for, reviewing, and producing all responsive documents would take an
21 absurd number of man hours. This request seeks proprietary, confidential, and
22 trade secret information that will not be produced until an adequate protective
23 order is on file in this matter. This request seeks information MTech cannot disclose
24 due to contractual obligations with third parties.

25 **REQUEST NO. 16:**

26 Please produce complete and accurate copies of any and all DATA
27 related to Mazen Rawashdeh from January 1, 2011, to the present.

1 **RESPONSE TO REQUEST NO. 16:**

2 No responsive documents are in MTech's possession, custody, or control.

3 **REQUEST NO. 17:**

4 Please produce complete and accurate copies of any and all DATA
5 related to Thomas Price from January 1, 2011, to the present.

6 **RESPONSE TO REQUEST NO. 17:**

7 No responsive documents are in MTech's possession, custody, or control.

8 **REQUEST NO. 18:**

9 Please produce complete and accurate copies of any and all DATA
10 related to Paul Santana from January 1, 2011, to the present.

11 **RESPONSE TO REQUEST NO. 18:**

12 Objection. This request is overbroad, unduly burdensome, and is not
13 proportional to the needs of the case. This request seeks essentially all information
14 in any form related to Paul Santana, regardless of whether such information
15 relates to any claim or defense in this matter, and regardless of whether MTech is
16 in possession of such information. Read literally, the request seeks all documents
17 about Paul Santana created in the past 8 years by anyone anywhere in the world,
18 including third-party social media posts on subjects completely unrelated to this
19 litigation. The request seeks an extremely large number of documents and
20 searching for, reviewing, and producing all responsive documents would take an
21 absurd number of man hours. This request seeks proprietary, confidential, and
22 trade secret information that will not be produced until an adequate protective
23 order is on file in this matter. This request seeks information MTech cannot disclose
24 due to contractual obligations with third parties.

25 **REQUEST NO. 19:**

26 Produce complete and accurate copies of any and all DATA related to
27 Stephen Harlett from January 1, 2011, to the present.

1 **RESPONSE TO REQUEST NO. 19:**

2 No responsive documents are in MTech's possession, custody, or control.

3 **REQUEST NO. 20:**

4 Please produce complete and accurate copies of any and all DATA
5 related to Richard Reyher from January 1, 2011, to the present.

6 **RESPONSE TO REQUEST NO. 20:**

7 Objection. This request is overbroad, unduly burdensome, and is not
8 proportional to the needs of the case. This request seeks essentially all information
9 in any form related to Richard Reyher, regardless of whether such information
10 relates to any claim or defense in this matter, and regardless of whether MTech is
11 in possession of such information. Read literally, the request seeks all documents
12 about Richard Reyher created in the past 8 years by anyone anywhere in the
13 world, including third-party social media posts on subjects completely unrelated
14 to this litigation. The request seeks an extremely large number of documents and
15 searching for, reviewing, and producing all responsive documents would take an
16 absurd number of man hours. This request seeks proprietary, confidential, and
17 trade secret information that will not be produced until an adequate protective
18 order is on file in this matter. This request seeks information MTech cannot disclose
19 due to contractual obligations with third parties.

20 **REQUEST NO. 21:**

21 Please produce complete and accurate copies of any and all DATA
22 related to Seth Feldman from January 1, 2011, to the present.

23 **RESPONSE TO REQUEST NO. 21:**

24 No responsive documents are in MTech's possession, custody, or control.

25 **REQUEST NO. 22:**

26 Please produce complete and accurate copies of any and all DATA
27 related to Devin Wenig from January 1, 2011, to the present.

1 **RESPONSE TO REQUEST NO. 22:**

2 No responsive documents are in MTech's possession, custody, or control.

3 **REQUEST NO. 23:**

4 Please produce complete and accurate copies of any and all DATA
5 related to Jakob Carnemark from January 1, 2011, to the present.

6 **RESPONSE TO REQUEST NO. 23:**

7 Objection. This request is overbroad, unduly burdensome, and is not
8 proportional to the needs of the case. This request seeks essentially all information
9 in any form related to Jakob Carnemark, regardless of whether such information
10 relates to any claim or defense in this matter, and regardless of whether MTech is
11 in possession of such information. Read literally, the request seeks all documents
12 about Jakob Carnemark created in the past 8 years by anyone anywhere in the
13 world, including third-party social media posts on subjects completely unrelated
14 to this litigation. The request seeks an extremely large number of documents and
15 searching for, reviewing, and producing all responsive documents would take an
16 absurd number of man hours. This request seeks proprietary, confidential, and
17 trade secret information that will not be produced until an adequate protective
18 order is on file in this matter. This request seeks information MTech cannot disclose
19 due to contractual obligations with third parties. This request is an abuse of the
20 discovery process and shows an attempt by Switch to use this litigation to obtain
21 confidential information regarding direct competitors.

22 **REQUEST NO. 24:**

23 Please produce complete and accurate copies of any and all DATA
24 related to Andrew Schaap from January 1, 2011, to the present.

25 **RESPONSE TO REQUEST NO. 24:**

26 Objection. This request is overbroad, unduly burdensome, and is not
27 proportional to the needs of the case. This request seeks essentially all information

1 in any form related to Andrew Schaap, regardless of whether such information
2 relates to any claim or defense in this matter, and regardless of whether MTech is
3 in possession of such information. Read literally, the request seeks all documents
4 about Andrew Schaap created in the past 8 years by anyone anywhere in the
5 world, including third-party social media posts on subjects completely unrelated
6 to this litigation. The request seeks an extremely large number of documents and
7 searching for, reviewing, and producing all responsive documents would take an
8 absurd number of man hours. This request seeks proprietary, confidential, and
9 trade secret information that will not be produced until an adequate protective
10 order is on file in this matter. This request seeks information MTech cannot disclose
11 due to contractual obligations with third parties. This request is an abuse of the
12 discovery process and shows an attempt by Switch to use this litigation to obtain
13 confidential information regarding direct competitors.

14 **REQUEST NO. 25:**

15 Please produce complete and accurate copies of any and all DATA
16 related to Stephen Smith from January 1, 2011, to the present.

17 **RESPONSE TO REQUEST NO. 25:**

18 No responsive documents are in MTech's possession, custody, or control.

19 **REQUEST NO. 26:**

20 Please produce complete and accurate copies of any and all DATA
21 related to Rajendran Avadaiappan from January 1, 2011, to the present.

22 **RESPONSE TO REQUEST NO. 26:**

23 No responsive documents are in MTech's possession, custody, or control.

24 **REQUEST NO. 27:**

25 Please produce complete and accurate copies of any and all video
26 footage, including b-roll footage, YOU received and/or have in YOUR possession,
27 with regard to the ALIGNED videos.

1 RESPONSE TO REQUEST NO. 27:

2 Objection. This request is overbroad, unduly burdensome, and is not
3 proportional to the needs of the case. This request is vague and ambiguous as to
4 the term "ALIGNED videos" in that it does not identify any potentially responsive
5 videos. This request thus appears to seek documents pertaining to all videos
6 created by or concerning ALIGNED, regardless of their relevance to any party's
7 claims or defenses or when such videos were created.

8 Notwithstanding these objections, MTech responds as follows: The only
9 responsive document is in Switch's possession and was produced to MTech as
10 Bates No. SWITCH 000044.

11 REQUEST NO. 28:

12 Please produce complete and accurate copies of any and all payments
13 made to YOU and/or FAIRFAX by Aligned or any Aligned employees.

14 RESPONSE TO REQUEST NO. 28:

15 Objection. This request is overbroad, unduly burdensome, and is not
16 proportional to the needs of the case. This request is not limited to relevant time
17 period and is not limited in scope to issues relevant to any party's claims or
18 defenses.

19 Notwithstanding these objections, MTech responds as follows: Fairfax is not
20 in possession, custody, or control of responsive documents.

21 REQUEST NO. 29:

22 Please produce complete and accurate copies of any and all
23 communications regarding payments received by YOU and/or FAIRFAX from
24 Aligned or any Aligned employees.

25 RESPONSE TO REQUEST NO. 29:

26 Objection. This request is overbroad, unduly burdensome, and is not
27 proportional to the needs of the case. This request is not limited to relevant time

1 period and is not limited in scope to issues relevant to any party's claims or
2 defenses. This request seeks proprietary, confidential, and trade secret
3 information that will not be produced until an adequate protective order is on file
4 in this matter. This request seeks information MTech cannot disclose due to
5 contractual obligations with third parties.

6 Notwithstanding these objections, MTech responds as follows: Fairfax is not
7 in possession, custody, or control of responsive documents.

8 **REQUEST NO. 30:**

9 Please produce complete and accurate copies of any and all bank
10 records from 2011 to present in YOUR control reflecting financial transactions with
11 individuals or entities affiliated with Aligned, Aligned Energy, Inertech, eBay,
12 and/or Paypal.

13 **RESPONSE TO REQUEST NO. 30:**

14 Objection. This request is overbroad, unduly burdensome, and is not
15 proportional to the needs of the case. This request is not limited in scope to any
16 issue relevant to any party's claims or defenses. This request seeks proprietary,
17 confidential, and trade secret information that will not be produced until an
18 adequate protective order is on file in this matter. This request seeks personal
19 financial information of individuals unrelated to this litigation that will not be
20 produced. It is impossible for MTech to respond fully to this request, as it seeks
21 records reflecting transactions with individuals or entities "affiliated with"
22 numerous companies, and MTech cannot determine all individuals or entities
23 affiliated with them.

24 Notwithstanding these objections, MTech responds as follows: MTech is not
25 in possession, custody, or control of responsive documents.

26
27

1 **REQUEST NO. 31:**

2 Please produce complete and accurate copies of any and all DATA
3 evidencing Aligned designs created between January 1, 2011, and the present.

4 **RESPONSE TO REQUEST NO. 31:**

5 Objection. This request is overbroad, unduly burdensome, and is not
6 proportional to the needs of the case. This request seeks essentially all information
7 in any form related to Aligned designs, regardless of whether such information
8 relates to any claim or defense in this matter, and regardless of whether MTech is
9 in possession of such information. Read literally, the request seeks all documents
10 about Aligned designs created in the past 8 years by anyone anywhere in the
11 world, including third-party social media posts on subjects completely unrelated
12 to this litigation. This request is vague and ambiguous as to the term "Aligned
13 designs." The request seeks an extremely large number of documents and
14 searching for, reviewing, and producing all responsive documents would take an
15 absurd number of man hours. This request seeks proprietary, confidential, and
16 trade secret information that will not be produced until an adequate protective
17 order is on file in this matter. This request seeks information MTech cannot disclose
18 due to contractual obligations with third parties. This request is an abuse of the
19 discovery process and shows an attempt by Switch to use this litigation to obtain
20 confidential information regarding direct competitors.

21 **REQUEST NO. 32:**

22 Please produce complete and accurate copies of DATA evidencing
23 Aligned Energy designs created between January 1, 2011, and the present.

24 **RESPONSE TO REQUEST NO. 32:**

25 Objection. This request is overbroad, unduly burdensome, and is not
26 proportional to the needs of the case. This request seeks essentially all information
27 in any form related to Aligned Energy designs, regardless of whether such

1 information relates to any claim or defense in this matter, and regardless of
2 whether MTech is in possession of such information. Read literally, the request
3 seeks all documents about Aligned Energy designs created in the past 8 years by
4 anyone anywhere in the world, including third-party social media posts on
5 subjects completely unrelated to this litigation. This request is vague and
6 ambiguous as to the term "Aligned Energy designs." The request seeks an
7 extremely large number of documents and searching for, reviewing, and
8 producing all responsive documents would take an absurd number of man hours.
9 This request seeks proprietary, confidential, and trade secret information that will
10 not be produced until an adequate protective order is on file in this matter. This
11 request seeks information MTech cannot disclose due to contractual obligations
12 with third parties. This request is an abuse of the discovery process and shows an
13 attempt by Switch to use this litigation to obtain confidential information
14 regarding direct competitors.

15 **REQUEST NO. 33:**

16 Please produce complete and accurate copies of DATA evidencing
17 Inertech designs created between January 1, 2011, and the present.

18 **RESPONSE TO REQUEST NO. 33:**

19 Objection. This request is overbroad, unduly burdensome, and is not
20 proportional to the needs of the case. This request seeks essentially all information
21 in any form related to Inertech designs, regardless of whether such information
22 relates to any claim or defense in this matter, and regardless of whether MTech is
23 in possession of such information. Read literally, the request seeks all documents
24 about Inertech designs created in the past 8 years by anyone anywhere in the
25 world, including third-party social media posts on subjects completely unrelated
26 to this litigation. This request is vague and ambiguous as to the term "Inertech
27 designs." The request seeks an extremely large number of documents and

1 searching for, reviewing, and producing all responsive documents would take an
2 absurd number of man hours. This request seeks proprietary, confidential, and
3 trade secret information that will not be produced until an adequate protective
4 order is on file in this matter. This request seeks information MTech cannot disclose
5 due to contractual obligations with third parties. This request is an abuse of the
6 discovery process and shows an attempt by Switch to use this litigation to obtain
7 confidential information regarding direct competitors.

8 **REQUEST NO. 34:**

9 Please produce complete and accurate copies of any and all DATA
10 related to Switch from January 1, 2011, to the present.

11 **RESPONSE TO REQUEST NO. 34:**

12 Objection. This request is overbroad, unduly burdensome, and is not
13 proportional to the needs of the case. This request seeks essentially all information
14 in any form related to Switch, regardless of whether such information relates to
15 any claim or defense in this matter, and regardless of whether MTech is in
16 possession of such information. Read literally, the request seeks all documents
17 about Switch created in the past 8 years by anyone anywhere in the world,
18 including third-party social media posts on subjects completely unrelated to this
19 litigation. The request seeks an extremely large number of documents and
20 searching for, reviewing, and producing all responsive documents would take an
21 absurd number of man hours. This request seeks proprietary, confidential, and
22 trade secret information that will not be produced until an adequate protective
23 order is on file in this matter. This request seeks information MTech cannot disclose
24 due to contractual obligations with third parties. This request is particularly
25 abusive because Switch, by definition, is in possession of the majority of potentially
26 responsive documents and there is no need to burden MTech with this overbroad
27 request.

1 **REQUEST NO. 35:**

2 Please produce complete and accurate copies of any and all DATA
3 related to Rob Roy from January 1, 2011, to the present.

4 **RESPONSE TO REQUEST NO. 35:**

5 Objection. This request is overbroad, unduly burdensome, and is not
6 proportional to the needs of the case. This request seeks essentially all information
7 in any form related to Rob Roy, regardless of whether such information relates to
8 any claim or defense in this matter, and regardless of whether MTech is in
9 possession of such information. Read literally, the request seeks all documents
10 about Rob Roy created in the past 8 years by anyone anywhere in the world,
11 including third-party social media posts on subjects completely unrelated to this
12 litigation. The request seeks an extremely large number of documents and
13 searching for, reviewing, and producing all responsive documents would take an
14 absurd number of man hours. This request seeks proprietary, confidential, and
15 trade secret information that will not be produced until an adequate protective
16 order is on file in this matter. This request seeks information MTech cannot disclose
17 due to contractual obligations with third parties. This request is particularly
18 abusive because Switch, by definition, is in possession of the majority of potentially
19 responsive documents and there is no need to burden MTech with this overbroad
20 request.

21 **REQUEST NO. 36:**

22 Please produce all DATA related to your design work for Aligned.

23 **RESPONSE TO REQUEST NO. 36:**

24 Objection. This request is overbroad, unduly burdensome, and is not
25 proportional to the needs of the case. This request is not limited to any relevant
26 time period and is not limited in scope to issues related to any party's claims or
27 defenses. This request seeks proprietary, confidential, and trade secret

1 information that will not be produced until an adequate protective order is on file
2 in this matter. This request seeks information MTech cannot disclose due to
3 contractual obligations with third parties. This request is an abuse of the discovery
4 process and shows an attempt by Switch to use this litigation to obtain
5 confidential information regarding direct competitors.

6 Notwithstanding these objections, MTech responds as follows: MTech is not
7 in possession, custody, or control of responsive documents.

8 **REQUEST NO. 37:**

9 Please produce complete and accurate copies of your analysis of
10 Aligned's designs created between January 1, 2011, and the present.

11 **RESPONSE TO REQUEST NO. 37:**

12 Objection. This request is overbroad, unduly burdensome, and is not
13 proportional to the needs of the case. This request seeks proprietary, confidential,
14 and trade secret information that will not be produced until an adequate
15 protective order is on file in this matter. This request seeks information MTech
16 cannot disclose due to contractual obligations with third parties. This request is
17 an abuse of the discovery process and shows an attempt by Switch to use this
18 litigation to obtain confidential information regarding direct competitors.

19 **REQUEST NO. 38:**

20 Please produce complete and accurate copies of your analysis of Aligned
21 Energy's designs created between January 1, 2011, and the present.

22 **RESPONSE TO REQUEST NO. 38:**

23 Objection. This request is overbroad, unduly burdensome, and is not
24 proportional to the needs of the case. This request seeks proprietary, confidential,
25 and trade secret information that will not be produced until an adequate
26 protective order is on file in this matter. This request seeks information MTech
27 cannot disclose due to contractual obligations with third parties. This request is

1 an abuse of the discovery process and shows an attempt by Switch to use this
2 litigation to obtain confidential information regarding direct competitors.

3 **REQUEST NO. 39:**

4 Please produce complete and accurate copies of your analysis of
5 Inertech's designs created between January 1, 2011, and the present.

6 **RESPONSE TO REQUEST NO. 39:**

7 Objection. This request is overbroad, unduly burdensome, and is not
8 proportional to the needs of the case. This request seeks proprietary, confidential,
9 and trade secret information that will not be produced until an adequate
10 protective order is on file in this matter. This request seeks information MTech
11 cannot disclose due to contractual obligations with third parties. This request is
12 an abuse of the discovery process and shows an attempt by Switch to use this
13 litigation to obtain confidential information regarding direct competitors.

14 **REQUEST NO. 40:**

15 Please produce complete and accurate copies of all collaborations with
16 Aligned regarding Aligned's data center designs created between January 1,
17 2011, and the present.

18 **RESPONSE TO REQUEST NO. 40:**

19 Objection. This request is overbroad, unduly burdensome, and is not
20 proportional to the needs of the case. This request seeks proprietary, confidential,
21 and trade secret information that will not be produced until an adequate
22 protective order is on file in this matter. This request seeks information MTech
23 cannot disclose due to contractual obligations with third parties. This request is
24 vague and ambiguous as to the term "collaborations with Aligned regarding
25 Aligned's data center designs." This request is an abuse of the discovery process
26 and shows an attempt by Switch to use this litigation to obtain confidential
27 information regarding direct competitors.

1 REQUEST NO. 41:

2 Please produce all DATA related to your and/or FAIRFAX's retention as a
3 consultant with Aligned.

4 RESPONSE TO REQUEST NO. 41:

5 Objection. This request is overbroad, unduly burdensome, and is not
6 proportional to the needs of the case. This request seeks proprietary, confidential,
7 and trade secret information that will not be produced until an adequate
8 protective order is on file in this matter. This request seeks information MTech
9 cannot disclose due to contractual obligations with third parties. This request is
10 an abuse of the discovery process and shows an attempt by Switch to use this
11 litigation to obtain confidential information regarding direct competitors.

12 Notwithstanding these objections, MTech responds as follows: Fairfax is not
13 in possession, custody, or control of responsive documents.

14 REQUEST NO. 42:

15 Please produce complete and accurate copies of all DATA regarding
16 Aligned's data center designs created between January 1, 2011, and the
17 present.

18 RESPONSE TO REQUEST NO. 42:

19 Objection. This request is overbroad, unduly burdensome, and is not
20 proportional to the needs of the case. This request seeks essentially all information
21 in any form related to Aligned data center designs, regardless of whether such
22 information relates to any claim or defense in this matter, and regardless of
23 whether MTech is in possession of such information. Read literally, the request
24 seeks all documents about Aligned data center designs created in the past 8
25 years by anyone anywhere in the world, including third-party social media posts
26 on subjects completely unrelated to this litigation. The request seeks an extremely
27 large number of documents and searching for, reviewing, and producing all

1 responsive documents would take an absurd number of man hours. This request
2 seeks proprietary, confidential, and trade secret information that will not be
3 produced until an adequate protective order is on file in this matter. This request
4 seeks information MTech cannot disclose due to contractual obligations with third
5 parties. This request is an abuse of the discovery process and shows an attempt
6 by Switch to use this litigation to obtain confidential information regarding direct
7 competitors.

8
9 Dated: June 27, 2019.

Respectfully submitted,

10 /s/ Ronald D. Green

11 Marc J. Randazza (NV Bar No. 12265)

12 Ronald D. Green (NV Bar No. 7360)

13 Alex J. Shepard (NV Bar No. 13582)

14 **RANDAZZA LEGAL GROUP, PLLC**

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16 Las Vegas, Nevada 89147

17 Attorneys for Defendants

18 Stephen Fairfax and MTechnology

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RANDAZZA | LEGAL GROUP

1 Case No. 2:17-cv-02651-GMN-VCF
2

3 **CERTIFICATE OF SERVICE**
4

5 I HEREBY CERTIFY that on this 27th day of June 2019, I served the foregoing
6 document upon counsel for the Plaintiff Switch, Ltd., listed below, via electronic
7 mail and U.S. Mail:

8 Anne-Marie Birk
9 Sam Castor
10 **Switch, LTD.**
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20 Attorneys for Plaintiff
21 Switch, Ltd.

22 Respectfully Submitted,
23

24 /s/ Heather Ebert
25 Employee,
26 Randazza Legal Group, PLLC
27